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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,124	10/28/2003	Arnold Sheynman	33692.03.2989	6103
23418	7590	05/02/2006	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			TSE, YOUNG TOI	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/695,124

Applicant(s)

SHEYNMAN ET AL.

Examiner

YOUNG T. TSE

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 15-18 are objected to because of the following informalities:  
  
In claim 15, line 3, "channel," should be "channel;".  
  
Claims 16-18 are objected to because they are depended upon claim 15.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, the broadcast content editor lacks connection or cooperation with the copyright processor, which detects whether digital broadcast content can be copied based on digital rights management data.

Claims 11 and 12 are rejected to because they are depended upon claim 10.

***Allowable Subject Matter***

4. The indicated allowability of claims 1-9 and 15-20 is withdrawn in view of the newly discovered reference(s) to Nagaoka et al. and Ishige. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagaoka et al. (US 2002/0092024 A1) (hereafter referred as “Nagaoka”).

Nagaoka discloses a broadcasting system in Figure 1 comprising a plurality of mobile phones 1A and 1B, a broadcast station 2, a transaction management system (TMS) 3, a plurality of set top boxes (STBs) 4, a mobile packet communication network 5, and a settlement server 6.

Wherein Figure 2 shows the detailed embodiment of the broadcast station 2 and Figure 7 shows the detailed embodiment of the TMS 3 of the broadcasting system in Figure 1.

With respect to claims 1 and 3-8, the mobile phone 1A or 1B receives digital broadcast content from the broadcast station 2; the program DB 23 of the broadcast station 2 records updated or multiplexed digital broadcast content from the received

digital broadcast content from the mobile phone 1A or 1B or the TMS 3; and the broadcast management server 21 of the broadcast station 2 edits the updated or multiplexed digital broadcast content to produce mobile terminal edited digital broadcast content, based on digital rights management data stored in a look-up table within the broadcast management server 21 (paragraphs [0036]-[0038], [0053]-[0054], and [0068]-[0072]).

With respect to claims 2 and 9, the transmitting unit 24 of the broadcast station 2 sends the mobile terminal edited digital broadcast content to the plurality of mobile phones 1A and 1B.

With respect to claims 15-18, the mobile phone 1A or 1B corresponds to the broadcast receiver operative to receive digital broadcast content over a broadcast channel; the transmitting unit 24 of the broadcast station 2 corresponds to the wireless transmitter operative to transmit information; the system control unit 31 of the TMS 3 corresponds to the controller and the copyright processor, operatively coupled to the mobile phone 1A or 1B; the broadcast management server 21 of the broadcast station 2 corresponds to the broadcast content editor operatively coupled to the system control unit 31 of the TMS 3 and operative to edit updated or multiplexed digital broadcast content to produce mobile terminal edited digital broadcast content based on digital rights management data stored by a look-up table within the broadcast management server 21; and the program DB 23 of the broadcast station 2 corresponds to the memory operatively coupled to the broadcast management server 21 and to the system control unit 31.

With respect to claim 19, the mobile phone 1A or 1B or the TMS 3 for wirelessly sending at least one of digital broadcast content capture commands and editing commands; the broadcast station 2 for receiving the at least one of digital broadcast content capture commands and editing commands sent by the mobile phone 1A or 1B or the TMS 3; and the broadcast management server 21 of the broadcast station 2 for capturing or editing received digital broadcast content based on the received content capture commands or editing commands.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagaoka et al. in view of Ishige (US 2002/0057894 A1).

Nagaoka discloses all the claimed subject matter as applied to claim 19 mentioned in paragraph 6 above. Although Nagaoka does not explicitly show or suggest that the received digital broadcast content of video signals needs to be converted to a lower bandwidth coded information stream for communication prior the mobile phone 1A or 1B or the TMS 3 for wirelessly sending the at least one of digital broadcast content capture commands and editing commands. Ishige discloses a video recording apparatus in Figure 1, which is employed in a broadcasting system shown in Figure 2. In Figure 1, the encoder 1A compresses sequentially digital video signals DVS supplied from a camera unit (not shown) in accordance with a format prescribed in MPEG with such a lower solution (lower bandwidth) that the DVS signals may fall within an amount of data which can be transmitted to and received by an editing device, etc. in a remote place without any stress by radio or by wire (paragraph [0025]. Therefore, it would have been obvious to one of ordinary skill in the art to provide an encoder in Nagaoka's broadcasting system as taught by Ishige for the purpose of compressing the video signals into a lower bandwidth prior to the editing of the digital broadcast content because the video signals may fall within an amount of data which can be transmitted to and received by an editing device.

***Allowable Subject Matter***

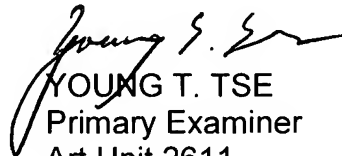
10. Claims 10-12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
11. Claims 13 and 14 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.
12. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show or suggest that a digital broadcast content recording apparatus comprises a copyright processor operatively coupled to detect whether digital broadcast content can be copied based on digital rights management data and synchronization logic, operatively coupled to a broadcast content editor, and operative to synchronize editing of pre-converted digital broadcast content based on editing commands from a mobile terminal. Or a method for utilizing digital broadcast content by synchronizing editing of received digital broadcast content to a lower bandwidth coded information stream for communication to a mobile terminal based on editing commands from the mobile terminal to edit pre-converted digital broadcast content to produce higher bandwidth edited digital broadcast content based on digital rights management data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The Central FAX Number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YOUNG T. TSE  
Primary Examiner  
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